


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

APR 04 2018

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

CASSANDRA POPPEN,

Plaintiff,

v.

FLETCHER TRANSPORT, INC. and
JASON O'NEAL,

Defendants.

Civil No. 5:16-CV-810-OLG

FINAL JUDGMENT

This action is a personal injury case related to a collision between a car that was driven by Plaintiff Cassandra Poppen and a truck that was driven by Defendant Jason O'Neal. The parties stipulated that the actions of Jason O'Neal on the date in question constituted negligence and that Mr. O'Neal's negligence was the sole proximate cause of the collision in question. *See* docket no. 111. The parties further stipulated that Jason O'Neal was operating his vehicle in the course and scope of his employment with Fletcher Transport, Inc. at the time of the accident in question. *Id.*

The issue of damages was tried before a jury from March 5, 2018 through March 6, 2018, with the Honorable Orlando L. Garcia, Chief District Judge, presiding. The parties each presented evidence as to the injuries suffered by Plaintiff as a result of the collision. Following the presentation of that evidence, the jury was asked "what sum of money, if paid now in cash, would fairly and reasonably compensate Cassandra Poppen for her injuries, if any, that resulted

from the collision in question.” The jury was instructed to respond as to eight separate elements of damages, and the jury returned the following verdict:

- A. Physical pain and mental anguish sustained in the past.
Answer: \$50,000.00
- B. Physical pain and mental anguish that, in reasonable probability, Cassandra Poppen will sustain in the future.
Answer: \$10,000.00
- C. Physical impairment sustained in the past.
Answer: \$0.00
- D. Physical impairment that, in reasonable probability, Cassandra Poppen will sustain in the future.
Answer: \$0.00
- E. Loss of earning capacity sustained in the past.
Answer: \$1,000.00
- F. Loss of earning capacity in reasonable probability, Cassandra Poppen will sustain in the future.
Answer: \$0.00
- G. Medical care and expenses incurred in the past.
Answer: \$92,528.77
- H. Medical care expenses that, in reasonable probability, Cassandra Poppen will incur in the future.
Answer: \$0.00

In accordance with the parties’ stipulations and the jury’s verdict, the Court enters judgment as follows:

IT IS ORDERED, ADJUDGED AND DECREED that Defendants Jason O’Neal and Fletcher Transport, Inc. shall pay Plaintiff Cassandra Poppen the sum of \$153,528.77, which includes \$50,000.00 for physical pain and mental anguish Plaintiff has sustained in the past, \$10,000.00 for physical pain and mental anguish that, in reasonable probability, Plaintiff will

sustain in the future, \$1,000.00 for loss of earning capacity Plaintiff sustained in the past, and \$92,528.77 for medical care and expenses Plaintiff incurred in the past.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that costs shall be taxed against Defendants pursuant to 28 U.S.C. § 1920 and Fed. R. Civ. P. 54(d)(1). Plaintiff is directed to file a Bill of Costs, in the form required by the Clerk of Court, within fourteen days of entry of this judgment pursuant to Local Rule CV-54.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Jason O'Neal and Fletcher Transport, Inc. shall pay Plaintiff Cassandra Poppen pre-judgment interest on the sum of \$143,528.77 at the rate of 5% per annum, to be paid from January 15, 2016 until the day preceding the date of entry of this judgment.¹

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to 28 U.S.C. § 1961, post-judgment interest shall accrue on all of the above amounts allowable by law at the rate of 2.06% per annum from the date of entry of this judgment until paid.

All other relief not granted herein is denied.

It is so ORDERED.

Signed this 4 day of April, 2018.



ORLANDO L. GARCIA
Chief United States District Judge

¹ Based upon the jury's findings, \$10,000.00 of the \$153,528.77 sum is awarded as future damages, and thus, that \$10,000.00 portion of the overall award is not subject to pre-judgment interest.